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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. Serial No.: 09/914,176 Attorney Docket No.: 78104.028  
Filing Date: 24 August 2001  
Priority Appln: PCT/GB00/00740  
International Filing Date: 01 March 2000  
Priority Date: 02 March 1999  
Applicant(s) FRENCH et al.  
Title: IDENTIFICATION OF BACTERIA BY AMPLIFICATION  
AND PROBING

**TRANSMITTAL OF MISSING PARTS OF**  
**APPLICATION UNDER 35 U.S.C. 371**

**Mail Stop PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To the Commissioner:

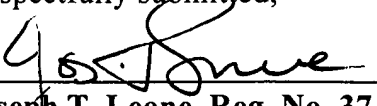
In response to the Notification of Defective Response which was mailed on 12 May 2005, enclosed are the following documents for filing with the above-referenced U.S. Patent Application:

1. A Declaration and Power of Attorney, executed by the applicants on 18 September 2001, 21 September 2001 and 28 September 2001, respectively.
2. Substitute Sequence List and Statement Verifying Identity of Computer-Readable and Paper Sequence Listing Submissions.
3. A copy of the Notification of Defective Response.
4. A copy of the Withdrawal of Previously Sent Notice.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-2055.

Having now complied with all of the requirements of 35 U.S.C. 371, applicant respectfully requests that this application be placed upon the files for examination.

Respectfully submitted,

  
**Joseph T. Leone, Reg. No. 37,170**  
DEWITT ROSS & STEVENS S.C.  
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/914,176	Gary L French	78104.028

INTERNATIONAL APPLICATION NO.	
PCT/GB00/00740	
LA. FILING DATE	PRIORITY DATE
03/01/2000	03/02/1999

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 Dewitt Ross & Stevens  
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CONFIRMATION NO. 1966

371 FORMALITIES LETTER



\*OC000000016006253\*

Date Mailed: 05/12/2005

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 08/24/2001
- Copy of the International Search Report filed on 08/24/2001
- Copy of IPE Report filed on 08/24/2001
- Preliminary Amendments filed on 08/24/2001
- Information Disclosure Statements filed on 08/24/2001
- Biochemical Sequence Diskette filed on 01/20/2004
- Oath or Declaration filed on 01/20/2004
- Biochemical Sequence Listing filed on 01/20/2004
- Copy of references cited in ISR filed on 08/24/2001
- U.S. Basic National Fees filed on 08/24/2001
- Priority Documents filed on 01/20/2004

Applicant's response filed 01/20/2004 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/22/2001 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - does not identify the application to which it is directed.
- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two

items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/914,176	PCT/GB00/00740	78104.028



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/914,176		Gary L French	78104.028

Joseph T. Leone  
 Dewitt Ross & Stevens  
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CONFIRMATION NO. 1966

## WITHDRAWAL NOTICE



\*OC000000015996203\*

Date Mailed: 05/12/2005

## WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice of Abandonment mailed on 11/21/2002 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. The Office regrets any inconvenience the error may have caused.

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*A copy of this notice MUST be returned with the reply.*

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Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE